

A. HAZARDOUS WASTES FROM NON-SPECIFIC SOURCES. Enter the four-digit number from 40 CFR Part 261.31 for each listed hazardous waste from non-specific sources your installation handles. Use additional sheets if necessary.

1	2	3	4	5	6
F002					
23 - 26	23 - 26	23 - 26	23 - 26	23 - 26	23 - 26
7	8	9	10	11	12
23 - 26	23 - 26	23 - 26	23 - 26	23 - 26	23 - 26

13	14	15	16	17	18
23 - 26	23 - 26	23 - 26	23 - 26	23 - 26	23 - 26
19	20	21	22	23	24
23 - 26	23 - 26	23 - 26	23 - 26	23 - 26	23 - 26
25	26	27	28	29	30
23 - 26	23 - 26	23 - 26	23 - 26	23 - 26	23 - 26

31	32	33	34	35	36
23 - 26	23 - 26	23 - 26	23 - 26	23 - 26	23 - 26
37	38	39	40	41	42
23 - 26	23 - 26	23 - 26	23 - 26	23 - 26	23 - 26
43	44	45	46	47	48
23 - 26	23 - 26	23 - 26	23 - 26	23 - 26	23 - 26

[illegible]

☐ 4. TOXIC
(DO 10)

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

DATE SIGNED _____

Harvey Kamil, Secretary

Inspection Report

TO: Phil flax, Senior Enforcement Team Leader

FROM: Bart George, Senior Enforcement Team

SUBJECT: Multi-media inspection at Natures Bounty Inc. (NTBY)
NYD981564222 & NYD052790318

On March 24, 1997, a member of the RCRA Compliance Branch (B George) took part in an inspection at this facility located on Orville Drive, Bohemia, N.Y. The purpose of the inspection was part of a consolidated multi-media inspection in which the Air Compliance Branch had the lead role. Representing the facility for the RCRA portion of this inspection was Hans Lindgren, Director of Operations and Dave Weisberg, Maintenance Engineer.

This facility, consisting of three adjacent buildings, is involved in the preparation of various vitamins and food supplements. The building at 90 Orville Drive houses some administrative offices, shipping/receiving, a capsulating operations and packaging departments. Packages and labels used by NTBY are not produced on-site but are purchased from off-site sources. An off-site source also supplies the capsules, which are simply filled with NTBY's product.

Building 105, located across the street from 90 Orville Drive contains the tableting operations, coating room, the wet granulation process, and the liquid/creams production area. The tableting operation consists of approximately 28 rooms where powdered products are pressed into tablet forms. The coating room contains 14 units, most of which use only food coloring. Main reason for coating is for ease of swallowing or to mask the taste. The wet granulation process uses methanol as an ingredient, which is driven off the final product in hot air dryers. The liquid/cream production area consists of two packaging lines one for liquids, the other for creams. There are five mixing/compounding vessels associated with this production area.

The third building 115, which is next to building 105, contains the receiving department, pharmacy area, as well as the blending and milling departments. There are also two on-site laboratories, one for QA/QC purposes and the other for microbiology testing. The pharmacy area is responsible for weighing out the formulation for each batch, which is then sent to one of 8 blending units that range in size from 50 to 300 cubic feet. Although the actual blending operation takes 20-30 minutes, generally, only one batch is run through each unit per day since it can take up to four hours to load and another four hours to unload the unit. The four milling rooms are used either to reduce particle size or ensure a consistent particle size. The QA/QC lab evaluates incoming raw material, analyses of

in-process samples, product stability, and evaluates finished products. Ten high performance liquid chromatography (HPLC) units are utilized in the QC lab. There is a one gallon container connected to each unit to collect waste solvents that may include hexane, methanol, acetonitrile. The QC lab also generates waste acids from titrations that may include hydrochloric, acetic, and phosphoric acids. There are two satellite accumulation areas consisting of two 1-gallon containers for the waste acids and a second container for waste solvents. When these containers, as well as the ones attached to the HPLCs, are filled, they are emptied into a 55-gallon container located in the facility's less than 90 day storage area. The spent solvent waste is sent to North East Chemical Corp, a RCRA treatment/storage/disposal TSD facility located in Cleveland, OH. The waste acid is sent to Environmental Enterprizes, a RCRA TSD located in Cincinnati, OH. At the time of the inspection there were three satellite accumulation containers in the lab, which were not labeled with the words "Hazardous Waste." Two of these containers had a funnel in the opening although they were not actively being filled. The microbiology lab evaluates product sensitivity to bacterial growth. Waste from this lab consisting of samples and petri dishes are sterilized in an autoclave before being released for disposal as medical wastes.

Since most of the NTBY products begin with powdered ingredients there are ten dust collection units on buildings 105 and 115. These units are monitored, via pressure drop across the unit, to determine when they must be cleaned out. Servicing of these units usually occurs during off hours when no processes are being run. The collected material, a mix of NTBY's products, is managed as a non hazardous waste and disposed through the municipal solid waste system.

The largest waste stream generated on-site is washwater from cleaning activities. Depending on the unit to be cleaned one of several detergents may be used with the water. Based on a review of MSDS for these detergents, none would be considered a hazardous waste. There are only two cleaning applications where a solvent is used. The spray heads from the coating units are soaked in a solution consisting of 10 parts water to 1 part methanol. After use this waste stream is mixed with other wastewater from cleaning activities. The other application where methanol is used is with cloth rags to clean the forms used in the tablet presses. Overtime, excess product builds up on the forms causing irregular shaped tablets. Therefore, they are occasionally wiped down with the methanol contained on a rag. These rags are collected and laundered on-site for reuse. All the wastewater generated on-site is collected in one of seven above ground storage tanks, which have either a 2,000, 5,000 or 6,000 gallon capacity. Five of these tanks are located in building 115 while the other two are in building 105.

Approximately three times per week the contents of these tanks are off-loaded to a tank truck, with an 8,000 gallon capacity. NTBY's wastewater is then taken to one of two nearby municipal wastewater treatment facilities, Bergen Point or Riverhead.

While at the facility, the following documents were reviewed:

- Manifests
- MSDS
- LDR Notifications
- Preparedness and Prevention

At the time of the inspection these documents appeared to be in compliance with the requirements. However, an inspection of the facility's container storage area, revealed that a container of waste acetone was not properly labeled with the words "Hazardous Waste," or the accumulation start date. When questioned about the source of this waste the facility representative (D. Weisberg) indicated that it was used by a sister facility located at 60 Orville Drive. Petite Fluer, a wholly owned company of NTBY, had used the acetone in manufacturing cosmetic pencils. As a result of a change in the processes, the use of acetone has been discontinued. The facility representative indicated that since this was the only waste generated by Petite Fluer, it was included with their own waste when there was a sufficient quantity to justify making arrangements for disposal.

Summary of Violations:

1. 6 NYCRR Subpart 373-3.9d(1) - A container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste. At the time of the inspection, two 1-gallon containers in the QA/QC lab were found to have a funnel stuck in the opening, although the drum was not being filled or emptied.
2. 6 NYCRR Subpart 372-2a(8)i(a)2 - Containers are marked with the words "Hazardous Waste" and with other words that identify the contents of the containers. At the time of the inspection, three 1-gallon containers in the QA/QC lab were not marked with the words "Hazardous Waste."
3. 6 NYCRR Subpart 373-1.1d(1)iii(c)2 - The date on which each period of accumulation begins is clearly marked and visible for inspection on each container. At the time of the inspection, there was a 55-gallon container of waste acetone in the hazardous waste storage area that was not marked with the accumulation start date.
4. 6 NYCRR Subpart 373-3.9d(3) - Containers are marked with the words "Hazardous Waste" and with other words that identify the contents of the containers. At the time of the inspection, the 55-gallon container of waste acetone was not marked with the words "Hazardous Waste."



INSPECTION FORM

CESQG
SQG
GENERATOR
TSD
OTHER
UNANNOUNCED
ANNOUNCED

NEW YORK STATE INDUSTRIAL HAZARDOUS WASTE MANAGEMENT ACT
(Chapter 639, Laws of 1978)

Prepared for: Commissioner
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Send to: NYSDEC
Division of Hazardous Substances Regulation
Compliance Inspection Section
50 Wolf Road - Room 436
Albany, New York 12233-7253

EPA I.D. NUMBER: NYD981564222

COMPANY NAME (Corporate): Natures Bounty
(Division): _____

COMPANY MAILING ADDRESS: 90 Duville Dr

City & State Bohemia, NY Zip Code 11716

COMPANY LOCATION ADDRESS: _____
(if different than mailing) _____

City & State _____, NY Zip Code _____

COMPANY TELEPHONE NUMBER: (516) 569-9500 Extension _____

FULL NAME OF COMPANY CONTACT: _____

TITLE OF COMPANY CONTACT: _____

INSPECTION DATE: 3/24/97 TIME OF INSPECTION: 10 (a.m.) _____ (p.m.)

INSPECTOR'S NAME: Bart George - DECA - RCB

NAME: Ray Slizys - DECA - ACB - lead

REPORT PREPARED BY: Bart George DATE: 4/7/97

REPORT APPROVED BY: Philip Taylor DATE: 4/10/97

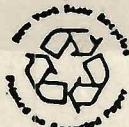


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Part I

General Information and Classification of Facility

1. Identification of Hazardous Waste - 371

Yes

No

A. Facility generates and/or stores hazardous waste on-site.

(1) ☒ Company filed a RCRA hazardous waste notification and/or Part A of RCRA permit application.

(2) ☒ Company has used knowledge of the hazardous characteristic of the waste to determine if it is hazardous.

(3) NA Testing has shown characteristics of:

() Ignitability (D001) - 371.3(b)

() Corrosivity (D002) - 371.3(c)

() Reactivity (D003) - 371.3(d)

() Toxicity (D004 - 043) - 371.3(e)

(4) ☒ The material is listed in the regulations as a hazardous waste from non-specific sources (F-Waste). 371.4(b).

(5) ☐ The waste is listed in the regulations as a hazardous waste from specific sources (K-Waste). 371.4(c).

(6) ☐ The material is listed in the regulations as an acute hazardous waste (P-Waste). 371.4(d)(5).

(7) ☐ The material or product is listed in the regulations as a discarded commercial chemical product, off-specification species or manufacturing chemical intermediate (U-Waste). 371.4(d)(6).

(8) ☐ The material is listed in the regulations as a waste containing PCBs (B-Waste). 371.4(e).

B. The company notified EPA as a:

LQG

Has EPA or DEC officially modified the company's status? Yes ☐ No ☒
If yes, attach correspondence.

C. If the facility is a treatment, storage or disposal facility, have DA they:

___ Submitted a Part A application.

___ Should the Part A be modified by the Company? If so, explain.

___ Submitted a Part 373 permit application.

___ Been granted a Part B permit.* expiration date: _____

___ Been granted a Part 373 permit or operating under SAPA with a Part 360 permit.* expiration date: _____

*Complete Appendix C - indicate compliance status with permit conditions.

D. DA Is the facility operating under a consent order?**

___ Have they signed a consent order to resolve violations found during a previous inspection?**

**Complete Appendix D and indicate compliance with each condition of the order.

2. Exemptions DA

A. Generator Exemptions

(1) ___ Not a regulated handler because:

(a) ___ Never generated any hazardous waste.

(b) ___ No hazardous waste generated within the last 3 years.

(c) ___ Company moved in _____ to _____
(date) (location)

(d) ___ Company out-of-business.

(e) ___ Company sold to _____
(new owner)

(2) ___ Samples collected for testing - 372.1(e)(5).

(3) ___ Residues of hazardous waste in empty containers - 372.1(e)(6).

(4) ___ A hazardous waste which is generated in a product or raw material storage tank, a product or raw material transport vehicle or vessel, a product or raw material pipeline, or in a manufacturing process unit or an associated non-waste treatment manufacturing unit is not subject to regulation until it exits the unit in which it was generated, unless the unit is a surface impoundment,

clause 373-1.1(d)(1)(viii)(d) are complied with. (Storage of hazardous waste prior to recycling is not exempt under this subparagraph.) In addition: 373-1.1(d)(1)(viii):

- (a) ___ This exemption is available to:
 - (1) ___ Commercial facilities that reclaim precious metals, as defined in 374-1.6 of this Title;
 - (2) ___ Mobile or transportable commercial facilities which operate on the generator's site, if a containment area, meeting the requirements of 373-2.9(f), is provided for the reclaiming facility and any associated, temporary container holding or storage area.
- (b) ___ This exemption is not available to any units, other than boilers and industrial furnaces, that burn hazardous wastes for energy recovery.
- (c) ___ Exempted processes that recycle the hazardous wastes listed in 2B(5)(a-d) must comply with Part 374 of this Title in lieu of the requirements specified in this subparagraph. (Note: Part 374 will require that the facility also complies with selected sections of this Part.)
- (d) ___ Owners or operators of facilities subject to RCRA permitting requirements with hazardous waste management units that recycle hazardous waste are subject to the requirements of sections 373-2.27, 373-2.28, 373-3.27 and 373-3.28 of this Part.
- (7) ___ The on-site treatment of hazardous waste, by the generator, in the same tanks or containers used for accumulation and storage is exempt provided the generator complies with Part 373-1.1(d)(1)(iii) and (iv) and Part 372.2(c)(4). Any treatment or placement of hazardous waste in a manner that constitutes land disposal, as defined in subdivision 370.2(b), does not qualify for this exemption - 373-1.1(d)(1)(ix).
- (8) ___ Totally enclosed treatment facility - 373-1.1(d)(1)(xi).
- (9) ___ Elementary neutralization units or wastewater treatment units, as defined in Part 370 of this Title, other than units that are part of commercial hazardous waste management facilities as defined in Part 370 of this Title. Elementary neutralization units and wastewater treatment units located at commercial hazardous waste management facilities that are only used to neutralize or treat hazardous waste resulting from the recycling of hazardous wastes or from the reclamation of precious metals from hazardous wastes are also exempt. Elementary neutralization units and wastewater treatment units that are used to commercially neutralize or treat hazardous wastes, generated only at geographically continuous sites, and transported via dedicated pipeline are also exempt - 373-1.1(d)(1)(xii).

or unless the hazardous waste remains in the unit more than 90 days after the unit ceases to be operated for manufacturing, or for storage or transportation of product or raw materials - 372.1(e)(7)(i).

B. TSD Exemptions

- (1) — Storage of hazardous waste that is generated on-site in containers or tanks for a period not exceeding 90 days. Other than the storage of liquid hazardous waste over the designated sole source aquifers - 373-1.1(d)(1)(iii).
- (2) — Storage in containers or tanks of liquid hazardous waste generated on-site over the designated sole source aquifers for a period not exceeding 90 days. These storage areas must comply with the requirements of this exemption whenever any quantity of liquid hazardous waste is stored in tanks, or whenever the total quantity of liquid hazardous waste stored on-site in containers exceeds 185 gallons - 373-1.1(d)(1)(iv).
- (3) — The on-site storage and treatment of hazardous waste by generators that generate less than 100 kilograms of hazardous waste in any calendar month and store less than 1,000 kilograms. The conditionally exempt small quantity generator requirements listed in subdivision 371.1(f) of this Title remain applicable. If at any time the amount of hazardous waste exceeds 1,000 kilograms, this exemption does not apply. This exemption applies to the on-site storage and treatment of acute hazardous wastes only if the generator generates and stores in any calendar month such acute hazardous waste in quantities less than those listed in 373-1.1(d)(1)(i)(b) of this paragraph - 373-1.1(d)(1)(v).
- (4) — The storage and recycling of the recyclable materials identified in subparagraphs 371.1(g)(1)(iii) and (iv) of this Title - 373-1.1(d)(1)(vi).
- (5) — The storage of the following recyclable materials is exempt from permitting provided that Subpart 374-1 is complied with. (NOTE: Subpart 374-1 will require that the facility also complies with selected sections of this Part.) - 373-1.1(d)(1)(vii):
 - (a) — recyclable materials used in a manner constituting disposal (see section 374-1.3);
 - (b) — hazardous wastes burned for energy recovery in boilers and industrial furnaces that are not regulated under section 373-2.15 or 373-3.15 of this Title (see section 374-1.8);
 - (c) — recyclable materials from which precious metals are reclaimed (see section 374-1.6);
 - (d) — spent lead-acid batteries that are being reclaimed (see section 374-1.7).
- (6) — The recycling of hazardous wastes is exempt from permitting provided 373-2.2(c) (identification number), 372.4(b) (use of manifest system), 372.4(d)(1) (manifest discrepancies) and

(10)___ Accumulation areas are exempt, provided that they are used to accumulate waste in accordance with the requirements of subparagraph 372.2(a)(8)(i) of this Title - 373-1.1(d)(1)(xiv).

(11)___ A transporter storing manifested shipments of hazardous waste in containers meeting the requirements of paragraph 372.2(a)(4) of this Title at a transfer facility for a period of ten calendar days or less is exempt, provided that the transfer facility is not located on the site of any commercial hazardous waste treatment, storage or disposal facility subject to permitting under this Part. Complete Part VII - 373-1.1(d)(1)(xi).

3. Hazardous Waste Generation/Treatment/Storage/Disposal See insp narrative.

A. Describe only the activities that result in the generation of hazardous waste. Include manufacturing processes that generate hazardous waste. [Do not include hazardous waste treatment processes.]

B. Describe any on-site hazardous waste treatment processes that result in the generation of hazardous waste (exempt and/or non-exempt). Include process diagrams if available.

C. Identify the hazardous wastes that are on-site, the quantity of each, the storage method, the type and size of containers or tanks used and their location in the storage area. (Be as specific as possible.)

(1) Accumulation Areas [NOTE: Waste in accumulation areas must be included as part of the total quantity of waste on-site]:

(2) Container Storage Areas for CESQG, SQG or Generator*

(3) Tank Storage Areas for CESQG, SQG or Generator*

- * CESQG - unlimited storage time provided less than 1,000 kg is stored on-site.
- SQG - 180 days (or 270 if TSD is over 200 miles away) and less than 6,000 kg is stored on-site.
- Generator - 90 days or less storage.

(4) Interim Status/Permitted Container Storage Areas:

(5) Interim Status/Permitted Tank Storage Areas:

- (6) Any other treatment, storage or disposal units such as lagoons, surface impoundments, landfills, waste piles, incinerators, energy recovery units, or underground injection units:

4. Status Identification:

A. Generator Status

- (1) ☐ Conditionally Exempt Small Quantity Generator (CESQG) - generates less than 100 kg/mo of non-acute hazardous waste or 1 kg/mo of acute hazardous waste. Complete Part III - 372.1(f)(6), 371.1(f)(7).
- (2) ☒ Small Quantity Generator (SQG) - generates more than 100 kg/mo but less than 1,000 kg/mo of non-acute hazardous, and accumulates no more than 6,000 kg of non-acute hazardous waste on-site. Complete Part IV - 372.2(a)(8)(iii).
- (3) ☐ Generator - generates more than 1,000 kg/mo of non-acute hazardous waste or generates more than 1 kg of acute hazardous waste in a calendar month. Complete Part V - 372.2(a)(8)(ii).

B. Treatment, Storage or Disposal Facility (TSDF)

- (1) ☐ Hazardous waste is stored greater than 90 days.*,**
- (2) ☐ Hazardous waste is received from off-site and not beneficially used, reused or legitimately recycled or stored.*
- (3) ☐ Hazardous waste is treated on-site in non-exempt units.*
- (4) ☐ Hazardous waste is disposed of on-site.*

* (If checked Complete Part VI and/or appropriate Appendices)

** (Do not complete for generators only that have exceeded the 90 day storage limit.)

C. Transporter Status

Yes ☐ No ☐ Hazardous waste is transported by this company.

If Yes, Complete Part VII

Permit No. _____

Part IV

SMALL QUANTITY GENERATOR (SOG)

Indicate:

X Violations

Indicate:

X Satisfactory
NA Not Applicable

SOG - Small Quantity Generator - The generator who generates more than 100 kg/mo but less than 1,000 kg/mo of non-acute hazardous waste in a calendar month, and accumulates less than 6,000 kg on-site has complied with the following:

1. General Requirements - 372.2(a)

- (a) ☐ The generator has made a determination as to whether or not his solid waste is a hazardous waste - 372.2(a)(2). ☒
- (b) ☐ The generator has obtained an EPA identification number - 372.2(a)(3). ☒
- (c) ☐ Before transporting or offering hazardous waste* for transportation off-site the generator has packaged the waste in accordance with the applicable USDOT regulations - 372.2(a)(4). ☒
- (d) ☐ Before transporting or offering hazardous waste* for transportation off-site the generator has labeled each package of waste in accordance with the applicable USDOT regulations - 372.2(a)(5). ☒
- (e) ☐ Before transporting or offering hazardous waste for* transportation off-site the generator has marked each container or package of waste properly - 372.2(a)(6). ☒

* Note: This does not apply to drums in storage.

- (f) ☐ The quantity of non-acute hazardous waste accumulated on-site never exceeds 6,000 kg. - 372.2(a)(8)(iii)(a). ☒
- (g) ☐ Waste may be stored for up to 180 days unless the disposal facility is 200 miles or more away. Storage up to 270 days is then allowed - 372.2(a)(8)(iv). ☒
- (h) ☐ At all times there must be at least one employee on-site or on call with the responsibility for coordinating emergency measures - 372.2(a)(8)(iii)(e)(1). ☒
- (i) ☐ The name and phone number of the emergency coordinator must be posted next to the telephone - 372.2(a)(8)(iii)(e)(2)(i). ☒
- (j) ☐ The location of fire extinguishers and spill control material and, if present, fire alarm must be posted next to the telephone - 372.2(a)(8)(iii)(e)(2)(ii). ☒

Indicate

X Violations

IndicateX Satisfactory
NA Not Applicable

- (k) ☐ The telephone number of the fire department must be posted next to the phone unless the facility has a direct alarm - 372.2(a)(8)(iii)(e)(2)(iii). ☒
- (l) ☐ The generator has ensured that all employees are thoroughly familiar with proper waste handling and emergency procedures - 372.2(a)(8)(iii)(e)(3). ☒
- (m) ☐ The emergency coordinator or a designee have responded appropriately to any emergencies that have arisen - 372.2(a)(8)(iii)(e)(4). ☒

2. Accumulation Area Requirements - 372.2(a)(8)(i)

- (a) ☐ The containers appear to be in good condition and are not in danger of leaking - 373-3.9(b). ☒
- (b) ☐ Hazardous waste is stored in containers made of compatible materials - 373-3.9(c). ☒
- (c) ☒ All containers except those in use are closed - 373-3.9(d)(1). *see insp narrative for details* ☐
- (d) ☐ Containers holding hazardous waste must not be opened, handled or stored in a manner which may rupture the containers or cause them to leak - 373-3.9(d)(2). ☒
- (e) ☒ Containers are marked with the words "Hazardous Waste" and with other words that identify the contents of the containers - 372.2(a)(8)(i)(a)(2). *see insp narrative for details* ☐
- (f) ☐ Hazardous waste may be accumulated in excess of 55 gallons or 1 quart of acutely hazardous waste at or near the point of generation provided that Section 372.2(a)(8)(iii) requirements are met within 3 days, and the container holding the excess accumulation is marked with the date the excess amount began accumulating - 372.2(a)(8)(i)(b). ☒

3. Container Storage Requirements - 372.2(a)(8)(iii)(b)

- (a) ☒ The date upon which each period of accumulation begins is clearly marked and visible for inspection on each container - 372.2(a)(8)(iii)(d), 373-1.1(d)(1)(iii)(c)(2). *see insp narrative for details* ☐
- (b) ☒ Each container is marked with the words "Hazardous Waste" and with other words to identify the contents - 373.9(d)(3). *see insp narrative for details* ☐
- (c) ☐ The containers appear to be in good condition and are not in danger of leaking. (If containers are leaking, describe the type, condition, contents) ☒

Indicate

X Violations

Indicate

X Satisfactory
NA Not Applicable

and number that are leaking or corroded. Be detailed and specific) - 373-3.9(b).

- (d) _____ Hazardous waste is stored in containers made of compatible materials - 373-3.9(c).
(If not, please explain.) _____

- (e) _____ All containers except those in use are closed - 373-3.9(d)(1). _____

- (f) _____ Containers holding hazardous waste must not be opened, handled or stored in a manner which may rupture the containers or cause them to leak - 373-3.9(d)(2). _____

- (g) _____ The containers and storage area are inspected at least weekly - 373-3.9(e). _____

- (h) _____ The generator complies with the following special requirements related to incompatible wastes - 373-3.9(g): NA

- (1) _____ Incompatible wastes, or incompatible wastes and materials, are not placed in the same container, or in an unwashed container that previously held an incompatible waste or material unless the placement is conducted to prevent the following - 373-3.9(g)(1) & (2): _____

- (a) _____ the generation of extreme heat or pressure, fire or explosion, or violent reaction - 373-3.2(h)(2)(i); _____

- (b) _____ production of uncontrolled toxic mists, fumes, dusts or gases in sufficient quantities to pose a risk of fire or explosions - 373-3.2(h)(2)(ii); _____

- (c) _____ production of uncontrolled flammable fumes or gases in sufficient quantities to pose a risk of fire or explosions - 373-3.2(h)(2)(iii); _____

- (d) _____ damage to the structural integrity of the device or facility containing the waste - 373-3.2(h)(2)(iv); or _____

Indicate

X Violations

IndicateX Satisfactory
NA Not Applicable

- (e) — a threat to human health or the environment - 373-3.2(h)(2)(v). —
- (2) — Containers holding a hazardous waste that is incompatible with any waste or other materials stored nearby in other containers, piles, open tanks, or surface impoundments must be separated from the other materials or protected from them by means of a dike, berm, wall, or other device - 373-3.9(g)(3). —
- (i) — Special requirements for small quantity generators accumulating more than 185 gallons of liquid hazardous waste in storage areas over sole source aquifers - 373-1.1(d)(1)(iv)(g). —
- (1) — Secondary containment system must be provided as follows: —
- (a) — For existing container storage units by December 22, 1998 - 373-1.1(d)(1)(iv)(g)(1). — ✓
- (b) — For container storage units, constructed or installed on or after the effective date of these Regulations - prior to use - 373-1.1(d)(1)(iv)(g)(2). —
- (2) — The container storage areas are within a secondary containment system designed and operated in accordance with the following - 373-1.1(d)(1)(iv)(f)(1): —
- (a) — The base under the containers must be free of cracks or gaps and sufficiently impervious to contain collected material until it is removed - 373-2.9(f)(1)(i). — ✓
- (b) — The base must be sloped or the containment system otherwise designed and operated to drain and remove liquid unless the containers are elevated or protected from contact with accumulated liquids - 373-2.9(f)(1)(ii). — ✓
- (c) — The containment system must have sufficient capacity to contain 10 percent of the volume of containers or the volume of the largest container, whichever is greater. Containers that do not contain free liquids are not considered in this determination - 373-2.9(f)(1)(iii). — ✓
- (d) — Run-on is prevented unless the system has sufficient excess capacity over that required in (3) - 373-2.9(f)(1)(iv). — ✓

Indicate

X Violations

Indicate

X Satisfactory
NA Not Applicable

- (e) ☐ Accumulated waste and precipitation must be removed as necessary to prevent overflow - 373-2.9(f)(1)(v). ☐

4. Tank Storage Requirements - 3.10(1) NA

(a) General operating requirements

- (1) ☐ Hazardous wastes or treatment reagents must not be placed in a tank if they could cause the tank or its inner liner to fail - 373-3.10(1)(2)(ii). ☐
- (2) ☐ Uncovered tanks must be operated to ensure at least 60 centimeters (2 feet) of freeboard, unless there is adequate containment - 373-3.10(1)(2)(iii). ☐
- (3) ☐ Where hazardous waste is continuously fed into a tank, the tank must be equipped with a means to stop this inflow - 373-3.10(1)(2)(iv). ☐
- (4) ☐ The owner or operator must mark all tanks with the words "Hazardous Waste" and with other words that identify the contents of the tanks. For underground tanks, the markings must be placed on a sign in the area above the tank - 372.2(a)(8)(iii)(d), 373-1.1(d)(1)(iii)(c)(3). ☐

(b) Tank(s) are inspected each operating day for:

- (1) ☐ discharge control equipment (e.g. waste feed cutoff systems, bypass systems and drainage systems) - 373-3.10(1)(3)(i). ☐
- (2) ☐ monitoring equipment (e.g. pressure and temperature gauges) - 373-3.10(1)(3)(ii). ☐
- (3) ☐ level of waste in tank to ensure proper freeboard - 373-3.10(1)(3)(iii). ☐

(c) Tank(s) are inspected weekly for:

- (1) ☐ corrosion or leaking of fixtures or seams - 373-3.10(1)(3)(iv). ☐
- (2) ☐ erosion or obvious signs of leakage (e.g. wet spots or dead vegetation) of the construction materials of, and the area immediately surrounding discharge confinement structures (e.g. dikes) - 373-3.10(1)(3)(v). ☐

(d) Tank closure

- (1) ☐ At closure, all hazardous waste must be removed from tanks, discharge control equipment and discharge confinement structures - 373-3.10(1)(4). ☐

Indicate

X Violations

IndicateX Satisfactory
NA Not Applicable(e) Special tank requirements for ignitable or reactive waste

- (1) ☐ Ignitable or reactive waste is placed in a tank and the waste is stored, treated, rendered or mixed before or immediately after placement in the tank so that the resulting waste, mixture or dissolution of material is no longer ignitable or reactive - 373-3.10(1)(5)(i)(a)(1); and ☐
- (2) ☐ The treatment, storage or disposal of ignitable or reactive waste in a tank is conducted so that it does not - 373-3.10(1)(5)(i)(a)(2): ☐
- (a) ☐ generate extreme heat or pressure, fire or explosions violent reactions - 373-3.2(h)(2)(i); ☐
- (b) ☐ produce uncontrolled toxic mists, fumes, dusts or gases in sufficient quantities to threaten human health - 373-3.2(h)(2)(ii); ☐
- (c) ☐ produce uncontrolled flammable fumes or gases in sufficient quantities to pose a risk of fire or explosion - 373-3.2(h)(2)(iii); ☐
- (d) ☐ damage the structural integrity of the device or facility containing the waste - 373-3.2(h)(2)(iv); or ☐
- (e) ☐ through other like means threaten human health or the environment - 373-3.2(h)(2)(v); or ☐
- (3) ☐ The waste is stored or treated in such a way that it is protected from any material or conditions that may cause the waste to ignite or react - 373-3.10(1)(5)(i)(b); or ☐
- (4) ☐ The tank is used solely for emergencies - 373-3.10(1)(5)(i)(c). ☐
- (5) ☐ The storage of ignitable or reactive waste in covered tanks complies with the National Fire Protection Association's (NFPA's) buffer zone requirements for tanks, contained in Tables 2-1 thru 2-6 of the "Flammable and Combustible Liquids Codes." - 373-3.10(1)(5)(ii). ☐

(f) Special Tank Requirements for Incompatible Wastes

- (1) ☐ Incompatible wastes, or incompatible wastes and materials, are not placed in the same tank and hazardous waste is not placed in an unwashed tank which previously held an incompatible waste ☐

Indicate

X Violations

Indicate

X Satisfactory
NA Not Applicable

or material unless the mixture or commingling is conducted to prevent the following - 373-3.10(e)(6):

- (a) ☐ generation of extreme heat or pressure, fire or explosions, or violent reactions; ☐
- (b) ☐ production of uncontrolled toxic mists, fumes, dusts, or gases in sufficient quantities to threaten human health; ☐
- (c) ☐ production of uncontrolled flammable fumes or gases in sufficient quantities to pose a risk of fire or explosions; ☐
- (d) ☐ damage to the structural integrity of the device or facility containing the waste; or ☐
- (e) ☐ through other like means threaten human health or the environment. ☐

(g) Sole Source Aquifer Requirements for Tank Storage

- (1) ☐ Small quantity generator located over a sole source aquifer must provide secondary containment system for tanks, at the time more than 185 gallons of liquid hazardous waste are accumulated, or at the time any liquid hazardous waste are accumulated in underground storage tanks - 373-1.1(d)(1)(iv)(g). ☐
- (2) ☐ Secondary containment system that meets the requirement of 373-3.10(d) must be provided as follows: 373-1.1(d)(1)(iv)(f)(2). ☐
 - (a) ☐ for existing tank not subject to secondary containment requirements prior to the effective date of these regulations - by December 22, 1998 [Complete Attachment IV-A, if applicable] - 373-1.1(d)(1)(iv)(g)(1). ☐
 - (b) ☐ for tank, constructed or installed on or after the effective date of these regulations, prior to use [Complete Attachment IV-A, if applicable] - 373-1.1(d)(1)(iv)(g)(2). ☐

5. Manifest, Reporting and Recordkeeping Requirement - 372.2(b) & (c)

- (a) ☐ Hazardous waste is shipped off-site with an accompanying manifest - 372.2(b)(5)(i). ☒

If "violation" is checked, please elaborate.

X Violations

X Satisfactory
NA Not Applicable

- 1-2 times/yr @ approx 200-500 gal

- List transporter and permit number.

- If violation, list names of any unauthorized facilities.

- | | Generator | Trans
1 | Trans
2 | TSDf |
|---|-----------|------------|------------|------|
| (1) Name of | | | | |
| (2) EPA ID No. of | | | | |
| (3) Mailing Address of | | | | |
| (4) Telephone No. of | | | | |
| (5) Manifest Document # | | | | |
| (6) The proper USDOT description. | | | | |
| (7) The appropriate: quantity, container number, container type, and waste type by units of weight or volume. | | | | |
| (8) Signed certification that the materials are properly classified, described, packaged, marked and labeled, and are in proper condition for transportation under regulations of the USDOT and NYSDEC. | | | | |

Indicate

X Violations

IndicateX Satisfactory
NA Not Applicable

- (f) — The generator has received signed copies (from the TSD facility) of all manifests for wastes shipped off-site more than 35 days ago: — ✓
- If not, exception reports have been submitted covering these shipments - 372.2(c)(3). —
- (g) — The generator must distribute copies of the manifest as specified on the manifest form - 372.2(b)(3). — ✓
- (h) — For international shipments the generator has done the following - 372.2(b)(4)(i): NA
- (1) — The EPA and the Department have been notified 60 days prior to shipment of the hazardous waste destined for treatment, storage or disposal outside the United States - 372.5(c)(1). —
- (2) — Delivery of the wastes has been confirmed by the consignee within 90 days of acceptance by initial transporter - 372.5(e)(2). —
- (3) — Primary exporters of hazardous waste must file with the Administrator and the Department no later than March 1 of each year, a report summarizing the types, quantities, frequency, and ultimate destination of all hazardous waste exported during the previous calendar year - 372.5(f)(1). —
- (i) — The generator has complied with the requirements of Section 372.6 for interstate shipments - 372.2(b)(4)(ii). — ✓
- (j) — The generator has complied with the requirements for shipping by rail or water (bulk) found in Section 372.7 - 372.2(b)(4)(iii). — NA
- (k) — The requirements of this section (Manifest Requirements) do not apply to hazardous waste produced by generators of less than 1,000 kg/m provided the following conditions are met - 372.2(b)(7): —
- (1) — The waste is reclaimed under a contractual agreement pursuant to which - 372.2(b)(7)(i): —
- (a) — the type of waste and frequency of shipments are specified in the agreement - 372.2(b)(7)(i)(a); —
- (b) — the vehicle used for transporting the waste and delivering regenerated material back to the generator is owned and operated by the reclaimer - 372.2(b)(7)(i)(b); and —
- (c) — the reclaimer complies with Part 364 - 372.2(b)(7)(i)(c). —

Indicate

X Violations

Indicate

X Satisfactory
NA Not Applicable

- (2) ☐ The generator records the following information for each shipment - 372.2(b)(7)(ii): ☐
- (a) ☐ the hazardous waste code and quantity of waste shipped - 372.2(b)(7)(ii)(a); and ☐
- (b) ☐ the date the waste is shipped - 372.2(b)(7)(ii)(b). ☐
- (3) ☐ The generator maintains a copy of the reclamation agreement for at least three years after termination or expiration of the agreement - 372.2(b)(7)(iii). ☐
- (l) ☐ A copy of each manifest has been kept for at least three years from the date the waste was accepted by the initial transporter - 372.2(c)(1)(i). ☒
- (m) ☐ A copy of each Exception Report must be kept for a period of at least three years from the due date of the report - 372.2(c)(1)(ii). ☐
- (n) ☐ A generator must keep records of any test results, waste analyses, or other determinations made in accordance with Part 372.2(a)(2) for at least three years - 372.2(c)(1)(iii). ☐
- (o) ☐ All records required under subdivision 372.2(c) were furnished upon request, or made available at a reasonable time for inspection - 372.2(c)(1)(iv). ☒
- (p) ☐ There is written communication that the designated treatment, storage or disposal facility is an authorized treatment, storage or disposal facility for the particular wastes being offered for shipment and has capacity to accept the hazardous waste set forth on the manifest and will assure the ultimate disposal method is followed - 372.2(b)(2)(i). ☐
- (q) ☐ There is written communication that the designated transporter is authorized to deliver the waste to the facility on the manifest - 372.2(b)(2)(ii). ☐

6. Preparedness and Prevention - 373-3.3

- (a) ☐ The facility is maintained and operated to minimize the possibility of a fire or explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil or surface water - 373-3.3(b). ☒
- (b) ☐ The facility must be equipped with the following, unless none of the hazards posed by waste handled at the facility could require a particular kind of equipment specified below - 373-3.3(c): ☒

Indicate

X Violations

IndicateX Satisfactory
NA Not Applicable

- (1) — An internal communication or alarm system capable of providing immediate emergency instruction (voice or signal) to facility personnel - 373-3.3(c)(1); — ✓
- (2) — A device, such as a telephone (immediately available at the scene of operations) or a hand-held, two-way radio capable of summoning emergency assistance from local police departments, fire teams - 373-3.3(c)(2); — ✓
- (3) — Portable fire extinguishers, fire control equipment, spill control equipment and decontamination equipment - 373-3.3(c)(3); and — ✓
- (4) — Water at adequate volume and pressure to supply water hose streams, or foam-producing equipment, or automatic sprinklers, or water spray systems - 373-3.3(c)(4). — ✓
- (c) — Facility communications or alarm systems, fire protection equipment, and spill control equipment are tested and maintained as necessary to assure their proper operation in time of emergency - 373-3.3(d). — ✓
- (d) — Personnel involved in hazardous waste operations have immediate access to an internal alarm or emergency communication device - 373-3.3(e). — ✓
- (e) — The owner or operator must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency unless aisle space is not needed for any of these purposes - 373-3.3(f). — ✓
- (f) — The facility owner or operator has attempted to make the following arrangements as appropriate with local authorities for the type of waste handled at the facility and the potential need for the services of these organizations - 373-3.3(g)(1): — ✓
- (1) — Arrangements to familiarize police, fire departments and emergency response teams with the functions and layout of the facility - 373-3.3(g)(1)(i); — ✓
- (2) — Where more than one police and fire department might respond to an emergency, an agreement designating primary emergency authority to a specific police and a specific fire department, and agreements with any others to provide support to primary emergency authority - 373-3.3(g)(1)(ii); — ✓

Indicate

X Violations

Indicate

X Satisfactory
NA Not Applicable

- (3) ☐ Agreements with State emergency response teams, emergency response contractors, and equipment suppliers - 373-3.3(g)(1)(iii); and ☐
- (4) ☐ Arrangements to familiarize local hospitals with the properties of hazardous waste handled at the facility and the types of injuries or illnesses which could result from fires, explosions or releases at the facility - 373-3.3(g)(1)(iv). ☐
- (g) ☐ Where state or local authorities decline to enter into such arrangements, the owner or operator has documented the refusal in the operating record - 373-3.3(g)(2). ☐

Company Name Natures Bounty
EPA ID# No. N Y D 9 8 1 5 6 4 2 2 2
Region/Inspector _____
Inspection Date _____

APPENDIX A
Land Disposal Restrictions

(For small quantity generators, generators and TSD's that are also generators)

I. Waste Identification

- A. List the hazardous wastes generated by the company.
(List by waste code)

F003 - waste acetone
F003 - mixed solvents from QC lab.
D002 - Hydrochloric, acetic + phosphoric acid

II. Dilution Prohibited as a Substitute for Treatment

- | | YES | NO |
|---|-----|---------------------------------------|
| A. Other than as described in B. below, has the generator, in any way diluted a restricted waste or the residual from treatment of a restricted waste: - 376.1(c)(1). | — | — <input checked="" type="checkbox"/> |
| 1. As a substitute for adequate treatment to achieve compliance with section 376.4. | — | — |
| 2. To otherwise avoid a prohibition in section 376.3. | — | — |

3. To circumvent a land disposal prohibition imposed by Article 27. — —

If yes to 1, 2, or 3 above, identify the waste and provide a brief description of the dilution process.

YES NO

- B. Does the generator dilute characteristic hazardous wastes (in a treatment system which treats wastes subsequently discharged to NYS waters) pursuant to SPDES permit or for purposes of pretreatment under the Clean Water Act? [Dilution is permissible unless another method has been specified as the treatment standard in 376.4(c) (Five Letter Technology codes) or unless the waste is a D003 reactive cyanide wastewater or nonwastewater.]] — — /

III. Waste Analysis and Recordkeeping - 376.1(g)

A. Determination of Wastes Restricted from Land Disposal.

1. — Except as specified in 376.3(b), the generator has determined if his listed wastes are restricted from land disposal - 376.1(g)(1). — /

The determination is based on:

- a. — Testing of the wastes or extracts of the wastes using the test method described in Appendix 35 (TCLP), or —
- b. — Using knowledge of the wastes — /

2. — Except as specified in 376.3(b), the generator has determined if his wastes exhibiting one or more characteristics (D001-D043) are restricted from land disposal - 376.1(g)(1). — /

The determinaton is based on:

- a. — Testing of extracts using the test method described in Appendix 20 (EP-tox), or —
- b. — Using knowledge of the wastes. — /

3. — For ignitable D001 waste (that is not in the High TOC Ignitable Liquids Subcategory* or is not treated by INCIN, FSUBS or RORGS) or corrosive D002 waste that is —

prohibited under 376.3(e), the generator has determined what underlying hazardous constituents (as defined in 376.1(b)) are reasonably expected to be present in the D001 or D002 waste - 376.1(g)(1).

* High TOC Ignitable Liquids Subcategory - greater than or equal to 10% total organic carbon.

B. Restricted Wastes not Meeting Treatment Standards.

- ___ For restricted wastes that do not meet the applicable treatment standards set forth in 376.4 or that exceed the prohibition levels in 376.3(b), the generator has notified the treatment or storage facility in writing. The notice must contain the following information: - 376.1(g)(1)(i). ___/
1. ___ EPA Hazardous Waste Number - 376.1(g)(1)(i)(a). ___/
 2. ___ The corresponding treatment standards for wastes F001-F005, F039, wastes prohibited under 376.3(b), and for underlying hazardous constituents in D001 and D002 if these wastes are prohibited under 376.3(e). ___/
 3. ___ For all other restricted wastes not included in 2. above: ___/
 - a. ___ The treatment standard, or ___/
 - b. ___ A reference on the notification that, includes: ___/
 - (1) ___ The applicable wastewater or nonwastewater category. ___/
 - (2) ___ The applicable waste specific criteria within a waste code. ___/
 - (3) ___ The section(s) and paragraph(s) where the applicable treatment standard appears. ___/
 4. ___ For treatment standards expressed as specified technologies, the applicable five-letter treatment code - 376.1(g)(1)(i)(b). ___
 5. ___ The manifest number of the shipment - 376.1(g)(1)(i)(c). ___/
 6. ___ For hazardous debris, the contaminants subject to treatment as provided by 376.4(g)(2) and the following statement: "This hazardous debris is subject to the alternative treatment standards of 376.4(g)" - 376.1(g)(1)(i)(d). ___/
 7. ___ Waste analysis data, where available - 376.1(g)(1)(i)(e). ___/

C. Restricted Wastes Meeting Treatment Standards. NA

___ For restricted wastes that can be land disposed of without further treatment, the generator has submitted a notice and a certification to the treatment, storage, or disposal facility stating that the waste meets the applicable treatment standards and prohibition levels - 376.1(g)(1)(ii).

1. ___ The notice includes the following information: ___

a. ___ EPA Hazardous Waste Number -
376.1(g)(1)(ii)(a)(1). ___

b. ___ For wastes F001-F005, F039, and wastes prohibited in 376.3(b), the corresponding treatment standards - 376.1(g)(1)(ii)(a)(2). ___

c. ___ For all other restricted wastes not included in b. above: - 376.1(g)(1)(ii)(a)(2). ___

(1) ___ The treatment standard, or ___

(2) ___ A reference on the notification that includes. ___

(a) ___ The applicable wastewater or nonwastewater category. ___

(b) ___ The applicable waste specific criteria within a waste code. ___

(c) ___ The section(s) and paragraph(s) where the applicable treatment standard appears. ___

d. ___ For treatment standards expressed as specified technologies, the applicable five-letter treatment code -
376.1(g)(1)(ii)(a)(2). ___

e. ___ The manifest number for the shipment -
376.1(g)(1)(ii)(a)(3). ___

f. ___ Waste analysis data where available -
376.1(g)(1)(ii)(a)(4). ___

2. ___ The certification is signed by an authorized representative and makes the required statement -
376.1(g)(1)(ii)(b). ___

D. Wastes Exempted from Land Disposal Prohibitions. NA

1. ___ For wastes exempted from land disposal prohibitions such as case-by-case extensions, exemptions under 376.1(f), or nationwide capacity variances, with each ___

shipment the generator has submitted a notice to the facility receiving the waste stating that the waste is not prohibited from land disposal - 376.1(g)(1)(iii).

2. ☐ The notice includes the following information.

a. ☐ EPA Hazardous Waste number - 376.1(g)(1)(iii)(a).

b. ☐ For wastes F001-F005, F039, and wastes prohibited in 376.3(b), the corresponding treatment standards - 376.1(g)(1)(iii)(b).

c. ☐ For all other restricted wastes not included in b. above: - 376.1(g)(1)(iii)(b).

(1) ☐ The treatment standard, or

(2) ☐ A reference, including:

(a) ☐ The applicable wastewater or nonwastewater category.

(b) ☐ The applicable waste specific criteria within a waste code.

(c) ☐ The section(s) and paragraph(s) where the applicable treatment standard appears.

(d) ☐ For treatment standards expressed as specified technologies, the applicable five-letter treatment code - 376.1(g)(1)(iii)(b).

d. ☐ The manifest number of the shipment - 376.1(g)(1)(iii)(c).

e. ☐ Waste analysis date, where available - 376.1(g)(1)(iii)(d).

f. ☐ For hazardous debris, the contaminants subject to treatment as provided by paragraph 376.4(g)(2) and the following statement: "This hazardous debris is subject to the alternative treatment standards of 376.4(g)" - 376.1(g)(1)(iii)(e).

g. ☐ The date the waste is subject to the prohibitions - 376.1(g)(1)(iii)(f).

E. Treatment of Prohibited Wastes in Containers or Tanks. *NA*

☐ For generators managing a prohibited waste in tanks, containers, or containment buildings, regulated under Part 373-1 and treating that waste in those tanks or

containers to meet applicable treatment standards the generator has:

1. ☐ Developed and followed written waste analysis plan which describes the procedures the generator will carry out to comply with the treatment standards - 376.1(g)(1)(iv). ☐
2. ☐ Kept the plan on-site in the generator's records - 376.1(g)(1)(iv). ☐
3. ☐ The following requirements have been met: ☐
 - a. ☐ The waste analysis plan has been based on a detailed chemical and physical analysis of a representative sample of the prohibited waste(s) being treated, and contains all information necessary to treat the waste(s), including the selected testing frequency - 376.1(g)(1)(iv)(a). ☐
 - b. ☐ The plan has been filed with the Commissioner to implement Part 376 requirements a minimum of 30 days prior to the treatment activity with delivery verified - 376.1(g)(1)(iv)(b). ☐
 - c. ☐ Wastes shipped off-site have complied with the notification requirements for restricted wastes meeting treatment standards - 376.1(g)(1)(iv)(c). [Complete Item III.C., pgs. A-4 and A-5.] ☐

F. Recordkeeping.

1. ☐ If a generator has determined whether a waste is restricted based solely on knowledge of the waste, all supporting data used to make this determination has been retained on-site in the generator's files - 376.1(g)(1)(v). ☐
2. ☐ If a generator has determined whether a waste is restricted based on testing of the waste or an extract developed using the test method described in Appendix 35 (TCLP), all waste analysis data has been retained on-site in the generator's files - 376.1(g)(1)(v). ☐
3. ☐ If a generator has determined that he is managing a restricted waste that is excluded from the definition of hazardous or solid waste, or exempt from regulation, under 371, subsequent to the point of generation, the generator has placed in the facility's file a one-time notice stating: - 376.1(g)(1)(vi). ☐
 - a. ☐ That the waste is generated, ☐

- b. ☐ That the waste is excluded from the definition of hazardous or solid waste or exempted from regulation, and
- c. ☐ The disposition of the waste.
- 4. ☒ Generators must retain on-site a copy of all notices, certifications, demonstrations, waste analysis data, and other documentation for at least five years from the date that the wastes were last sent to on-site or off-site treatment, storage, or disposal. This requirement applies to solid wastes even when the hazardous characteristic is removed prior to disposal, or when the waste is excluded from the definition of hazardous or solid waste, or exempted from regulation, subsequent to the point of generation - 376.1(g)(1)(vii).

*see narrative
for details*

G. Alternate Treatment Standards for Lab Packs. NA

- 1. ☐ For generators managing lab packs containing wastes identified in Appendix 38 (organometallics), who wish to use the alternate treatment standards, with each shipment the generator has: - 376.1(g)(1)(viii).
 - a. ☐ Submitted a notice to the treatment facility in accordance with 376.1(g)(1)(i). [Complete Item III.B., page A-3]
 - b. ☐ Made a waste determination in compliance with 376.1(g)(1)(v) & (vi). [Complete Items III.F.1-3., pgs. A-6 through A-7.]
 - c. ☐ Submitted the certification provided in 376.1(g)(1)(viii), signed by an authorized representative.
- 2. ☐ For generators managing lab packs containing organic wastes specified in Appendix 39, who wish to use the alternate treatment standards, with each shipment the generator has: - 376.1(g)(1)(ix).
 - a. ☐ Submitted a notice to the treatment facility in accordance with 376.1(g)(1)(i). [Complete Item III.B., page A-3]
 - b. ☐ Made a waste determination in compliance with 376.1(g)(1)(v) & (vi). [Complete Items III.F.1-3., page A-6 through A-7.]
 - c. ☐ Submitted the certification provided in 376.1(g)(1)(ix), signed by an authorized representative.

H. Small Quantity Generators with Tolling Agreements. NA

— For generators of less than 1,000 kg per calendar month:
376.1(g)(1)(x)

1. — The waste is reclaimed under a contractual agreement - 372.2(b)(7)(i).
2. — For the initial shipment of such wastes, the generator has complied with the notification and certification requirements that apply for the wastes subject to the tolling agreement - 376.1(g)(1)(x). [Complete Items III.B, C, or D, pgs A-3 through A-5, as applicable, except for manifest requirements.]
3. — Small quantity generators must retain on-site a copy of the initial notification and certification, together with the tolling agreement, for at least three years after termination or expiration of the agreement - 376.1(g)(1)(x).

I. Hazardous Debris. NA

— Generators or treaters who first claim that hazardous debris is excluded from the definition of hazardous waste under paragraph 371.1(d)(5) of this Title, (i.e., debris treated by an extraction or destruction technology provided by Table 1, subdivision 376.4(g), and debris that the commissioner has determined does not contain hazardous waste) are subject to the following notification and certification requirements: 376.1(g)(4).

1. — A one-time notification must be submitted to the commissioner to include the following information: 376.1(g)(4)(i).
 - a. — The name and address of the authorized Part 360 facility receiving the treated debris - 376.1(g)(4)(i)(a).
 - b. — A description of the hazardous debris as initially generated, including the applicable EPA or NYS Hazardous Waste Number(s) - 376.1(g)(4)(i)(b).
 - c. — For debris excluded under subparagraph 371.1(d)(5)(i) of this Title, the technology from Table 1, subdivision 376.4(g), used to treat the debris - 376.1(g)(i)(c).
2. — The notification must be updated if the debris is shipped to a different facility, and, for debris excluded under subparagraph 371.1(d)(5)(i) of this Title, if a different type of debris is treated or if a different technology is used to treat the debris - 376.1(g)(4)(ii).

IV. Special Rules Regarding Wastes That Exhibit a Characteristic

- A. — The generator has determined each waste code applicable to the waste in order to determine the applicable treatment standard under section 376.4. For the purposes of Part 376, the waste must carry the code for a listed waste and also any characteristic code if the waste also exhibits that characteristic, except as specified below in Item B. If the generator determines that the waste displays the characteristic of ignitability (D001)(and is not in the High TOC Ignitable Liquids Subcategory or is not treated by INCIN, FSUBS, or RORGs of subdivision 376.4(c), Table 1), or the characteristic of corrosivity (D002), and is prohibited under subdivision 376.3(e) of this Part, the generator must determine what underlying hazardous constituents (as defined in subdivision 376.1(b) of this Part) - 376.1(h)(1).
- B. — For a prohibited waste that is listed and also exhibits a characteristic, the treatment standard for the listed waste code will operate in lieu of the standard for the characteristic code, provided the treatment standard for the listed waste includes a treatment standard for the constituent that causes the waste to exhibit the characteristic. Otherwise the waste must meet the treatment standards for all applicable listed and characteristic codes - 376.1(h)(2).
- C. — Prior to land disposal, all prohibited wastes which exhibit a characteristic have been treated to the treatment standards provided in 376.4 - 376.1(h)(3).
- D. — For characteristic hazardous wastes that have been treated and are no longer hazardous, the initial generator has shipped the wastes to a Part 360 facility and sent the notification and certification to the Commissioner* - 376.1(h)(4).

* Notification is not required to be sent to the Part 360 facility.

1. — The notification includes the following information: - 376.1(h)(4)(i).
- a. — The name and address of the Part 360 facility receiving the waste - 376.1(h)(4)(i)(a).
- b. — A description of the waste as initially generated, including the applicable EPA Hazardous Waste Number(s) and treatability group(s) - 376.1(h)(4)(i)(b).
- c. — The treatment standards applicable to the waste at the point of generation - 376.1(h)(4)(i)(c).

2. — The certification is signed by an authorized representative and includes the language found in 376.1(g)(2)(v) - 376.1(h)(4)(ii). —

V. Prohibitions on Land Disposal

A. Solvent/Dioxin Wastes. - 376.3(a)

1. Does the company generate any of the solvent wastes ☒ YES ☐ NO F001-F005 or any dioxin wastes F020-F023 and F026-F028 that are prohibited from land disposal?

(If yes, complete Item 2.)

2. These wastes may be land disposed provided that: 376.3(a)(1)

- a. The wastes meet the applicable treatment standards - 376.3(a)(1)(i). ☒ YES ☐ NO
- b. The company has been granted an exemption from a prohibition pursuant to a petition under 376.1(f) with respect to those wastes covered by the petition - 376.3(a)(1)(ii). ☐ YES ☐ NO
- c. The company has been granted an extension to the effective date of a prohibition - 376.3(a)(1)(iii). ☐ YES ☐ NO

B. Prohibited Wastes - 376.3(b)(1).

NA

1. Does the company generate any of the following wastes? (If yes, answer Items 2 through 4 below.)

- a. Liquid hazardous wastes containing PCB's at concentrations of equal to or greater than 50 ppm - 376.3(b)(1)(i). ☐ YES ☐ NO
- b. Hazardous wastes containing halogenated organic compounds (HOCs) in concentrations greater than or equal to 1,000 ppm, that are identified as hazardous by a property that does not involve HOCs - 376.3(b)(1)(ii). ☐ YES ☐ NO
- c. Liquid hazardous wastes that contain over 134 mg/l nickel and/or 130 mg/l of thallium - 376.3(b)(1)(iii). ☐ YES ☐ NO

2. These wastes may be land disposed provided that: 376.3(b)(2).

- a. Persons have been granted an exemption from a prohibitions, or - 376.3(b)(2)(i). ☐ YES ☐ NO

- b. Persons have been granted an extension to the effective date of a prohibition, or - 376.3(b)(2)(ii). ☐ YES ☐ NO
- c. They meet the applicable treatment standards, or are in compliance with all prohibitions set forth in Part 376 or RCRA section 3004(d) - 376.3(b)(2)(iii). ☐ YES ☐ NO
3. ☐ The wastes found in 1.(a)-(c) above have been subjected to the Paint Filter Liquids Test to determine if they are liquids - 376.3(b)(3). ☐
4. ☐ The initial generator of a liquid hazardous waste containing PCBs or a liquid or nonliquid hazardous waste containing HOCs has tested the waste (not an extract or filtrate) or used knowledge of the waste to determine if the waste equals or exceeds the specified prohibition levels (50 ppm for PCBs, 1,000 ppm for HOCs) - 376.3(b)(4). ☐
- C. Prohibited Waste Found in 376.3(c) [First, Second, and Third Third Wastes].
1. ☒ The initial generator has tested a representative sample of the waste extract or the entire waste, depending on whether the treatment standards are expressed as concentration in the waste extract or the waste, or used knowledge of the waste to determine if it exceeds the applicable treatment standards - 376.3(c)(7). ☒
- D. Waste Specific Prohibitions - Ignitable and Corrosive Characteristic Wastes.
1. ☐ The wastes specified in 6 NYCRR 371.3(b) as D001 (and is in not the High TOC Ignitable Liquids Subcategory), and specified in 371.3(c) as D002, that are managed in systems other than those whose discharge is regulated under Titles 7 and 8 of Article 17 of the ECL, the Clean Water Act (CWA) (see subdivision 370.1(e)), or that inject in Class 1 deep wells regulated under the Safe Drinking Water Act (SDWA) (see subdivision 370.1(e)), or that are zero dischargers that engage in Title 7 and 8 or CWA-equivalent treatment before ultimate land disposal, are prohibited from land disposal. Title 7 and 8 and/or CWA-equivalent treatment means biological treatment for organics, alkaline chlorination of ferrous sulfate precipitation for cyanide, precipitation/sedimentation for metals, reduction of hexavalent chromium, or other technology that can be demonstrated to perform equally or greater than these technologies* - 376.3(d). ☒

* (Note: Deep well injection of hazardous waste is not allowed in New York State..)

E. Variance From a Treatment Standard. - 376.4(e) NA

1. Has the generator submitted a petition for a variance from a treatment standard where the treatment standard is expressed as a concentration in the waste or waste extract and the waste cannot be treated to the specified level, or where the treatment technology is not appropriate to the waste? ☐ YES ☐ NO

If yes, complete Items (a) and (b) below.

- (a) ☐ A generator that is managing a waste covered by a variance from a treatment standard has complied with the waste analysis requirements for a restricted waste - 376.4(e)(6). ☐

- (b) ☐ During the petition review process, the applicant has complied with all restrictions on land disposal - 376.4(e)(7). ☐

2. Has the generator submitted a petition for a site-specific variance from a treatment standard where the treatment standard is expressed as a concentration in the waste or waste extract and the waste which is generated under conditions specific only to one cannot be treated to the specified level, or the treatment technology is not appropriate to the waste? ☐ YES ☐ NO

If yes, complete Items (a) and (b) below.

- (a) ☐ The generator, treatment facility or disposal facility managing a waste covered by a site-specific variance from a treatment standard has complied with the waste analysis requirements for a restricted waste - 376.4(e)(11). ☐

- (b) ☐ During the application review process, the applicant has complied with all restrictions on land disposal - 376.4(e)(12). ☐

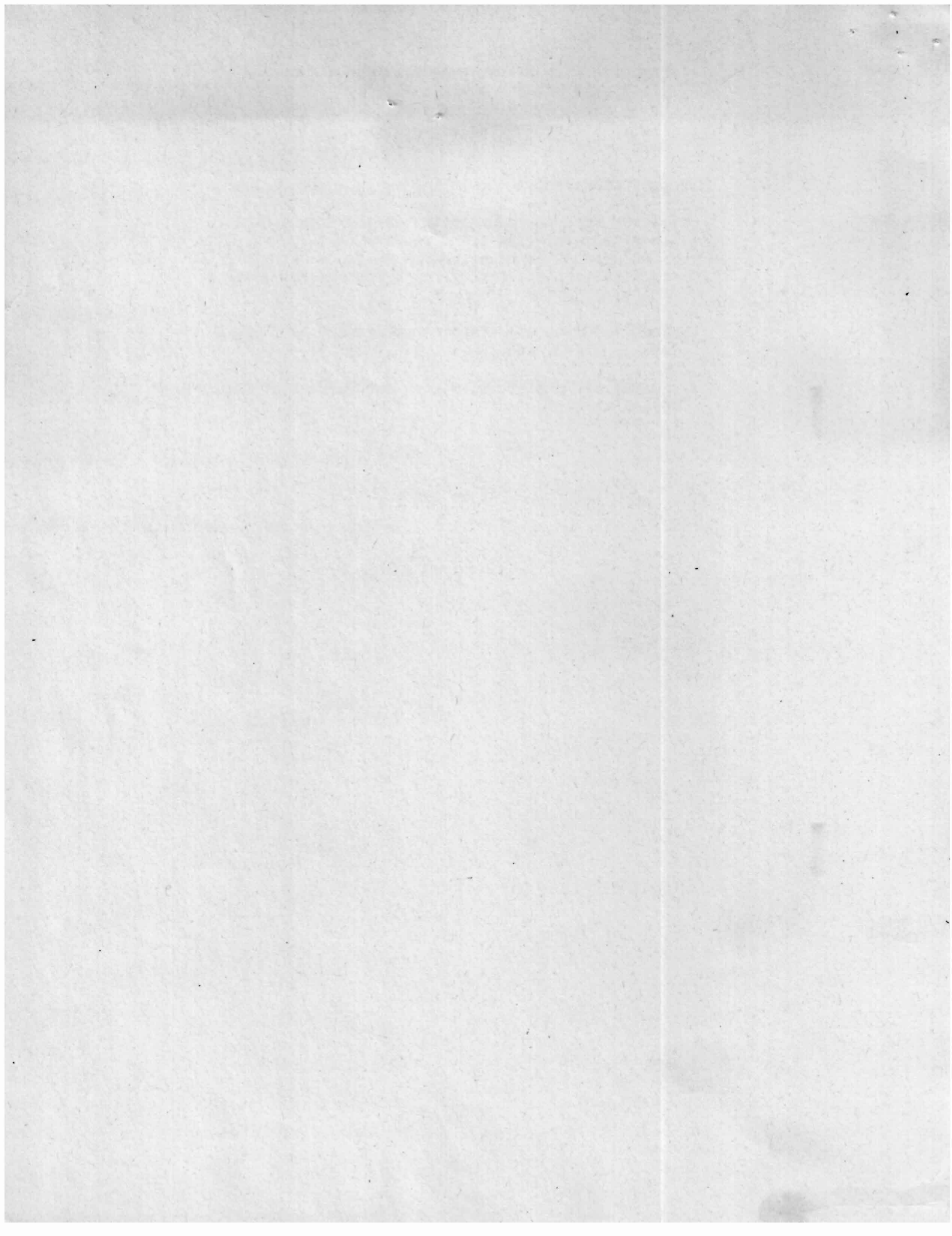
IX. Prohibition on Storage of Restricted Wastes* - 376.5(a) NA

- A. ☐ The storage of hazardous wastes restricted from land disposal is permitted provided that: - 376.5(a)(1). ☐

1. ☐ The small quantity generator has: ☐

- a. ☐ Stored restricted waste in tanks or containers on-site solely for the purpose of the accumulation of such quantities of hazardous waste as necessary to facilitate proper recovery, treatment, or disposal - 376.5(a)(1)(i). ☐

- b. ☐ Complied with all storage requirements of 372, 373-1, and 373-3 - 376.5(a)(1)(i). ☐
- c. ☐ Stored all restricted wastes for 180/270 days or less - 376.5(a)(1)(i). ☐
- 2. ☐ The generator has:
 - a. ☐ Stored restricted waste in tanks or containers on-site solely for the purpose of the accumulation of such quantities of hazardous waste as necessary to facilitate proper recovery, treatment, or disposal - 376.5(a)(1)(i). ☐
 - b. ☐ Complied with all storage requirements of 372, 373-1, 373-2, and 373-3 - 376.5(a)(1)(i). ☐
 - c. ☐ Stored all restricted wastes for 90 days or less - 376.5(a)(1)(i). ☐



FOIA Report of Non-Sensitive Compliance Monitoring and Enforcement Data

Report run on: May 26, 2017 - 12:17 PM

Version 5.0

User Selection Criteria

Location:	New York, all activities	Activity Location:	None Chosen
Handler ID:	NYD052790318	Group of IDs:	None Chosen
Handler Name:			
Handler Universe:	All Facilities Regardless of Universe		
Determined Date Range:	From: 10/01/1980 To: 05/26/2017		
Location County Code:	None Chosen	Evaluation Type:	
Location City:		Focus Area:	
Location Zip Code:		Violation Type:	
State District:	None Chosen	Display Code Descrip.:	Yes
Sort Order:	Region, State, Handler Name	Display Universes:	Yes

Results

Data meeting the criteria you selected follows.

Total Pages: 4 Total Handlers: 1

Report Description

This report presents available information from the Resource Conservation and Recovery Act Information System (RCRAInfo) about compliance evaluations, violations, and enforcement actions meeting the criteria supplied by the user. Evaluations showing no violations does not always indicate that no violations were determined. Violation without enforcement actions does not always mean no enforcement action will be issued. In order to avoid releasing enforcement sensitive information to the public the following information is not shown on the report: pending civil / judicial referrals, criminal actions and referrals, and State to EPA referrals; all other enforcement actions are released.

Report Information

Name: cme_foia.rdf
Developed by: EPA Headquarters, Office of Enforcement and Compliance Assurance
Deployed: June 2006
Last Updated: May 2012
Contact: rcrainfo.help@epa.gov
Tables Used: cmecomp3, ccitation3, hreport_univ5, lu_citation, lu_state, hid_groups
Libraries: none

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NBTY INC

County Name / Code: SUFFOLK / NY103

NYD052790318

Location: ORVILLE DR; BOHEMIA, NY 11716

REGION 02

Mailing: ORVILLE DR; BOHEMIA, NY 11716

Activity Location: NY	State District: NYSDEC R1	Accessibility:	Non-Notifier:	Extract Flag: Y	Active Site: Y
Generator: CEG	Transporter: N	Operating TSDF: -----	IC In Place: N	El Indicator (HE / GW): N / N	
Short-Term Gen: N	Transfer Facility: N	Offsite Receiver: N	HSM: N	Subpart K: ----	
Full Enforcement: -----	Converter: -----	State Unaddressed SNC: N	EPA Unaddressed SNC: N		
CA Wrkld: N	State TSDF: -----	State Addressed SNC: N	EPA Addressed SNC: N		
Active State Gen: N		State SNC w/Comp Sched: N	EPA SNC w/Comp Sched: N		

Violation:	Activity Location: NY	Type: 262.A	Determined Date: 01/16/2003	Determined by Agency: State	Responsible Agency: State
Scheduled Compliance Date:			Actual Compliance Date: 02/25/2003	RTC Qualifier: DOCUMENTED	Sequence Number: 1
Former Citation - SR - 372.2(a)(8)(iii)(d), 373-3.9(d)					
CEI Evaluation 01/16/2003	Activity Location: NY	By: State	Identifier: 001	Person: NYTCA	Branch: R1
Citizen Complaint: NO	Multimedia Inspection: NO	Sampling: NO	Not Subtitle C: NO	Day Zero:	Found Violation: YES
					Focus Area:
Enforcement: Activity Location: NY	Type: 120	Action Date: 02/25/2003	Identifier: 001		
Docket:	Agency: State	Responsible Person: NYTCA	Branch: R1		
CA Component: N	Disposition Status:	Appeal Initiated:	Appeal Resolved:		

Violation:	Activity Location: NY	Type: 262.A	Determined Date: 02/20/2001	Determined by Agency: EPA	Responsible Agency: EPA
Scheduled Compliance Date:			Actual Compliance Date: 07/30/2001	RTC Qualifier: OBSERVED	Sequence Number: 1
CEI Evaluation 02/20/2001	Activity Location: NY	By: EPA	Identifier: 001	Person: R2RV	Branch: RCB
Citizen Complaint: NO	Multimedia Inspection: NO	Sampling: NO	Not Subtitle C: NO	Day Zero:	Found Violation: YES
					Focus Area:
Enforcement: Activity Location: NY	Type: 120	Action Date: 07/30/2001	Identifier: 001		
Docket:	Agency: EPA	Responsible Person: R2RV	Branch: RCB		
CA Component: N	Disposition Status:	Appeal Initiated:	Appeal Resolved:		
Enforcement: Activity Location: NY	Type: 120	Action Date: 05/22/2001	Identifier: 001		
Docket:	Agency: EPA	Responsible Person: R2RV	Branch: RCB		
CA Component: N	Disposition Status:	Appeal Initiated:	Appeal Resolved:		

Total Number of Handlers: 1

Total Number of Activity Locations: 1

* End of Report *

* Note: Penalty amount may not reflect all violations cited.

FOIA Report of Non-Sensitive Compliance Monitoring and Enforcement Data

Report run on: May 26, 2017 - 12:17 PM

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Description of codes used on the report:

Universes	Description of Universes
Generator	Indicates that the facility is a Large Quantity Generator (LQG), Small Quantity Generator (SQG), Conditionally Exempt Small Quantity Generator (CEG), or not a generator (N).
Transporter	Indicates that the facility Transports waste subject to RCRA regulations. ('Y' indicates that the facility is in this universe).
Operating TSDF	Indicates that the facility is a Treatment, Storage or Disposal facility subject to any type of enforcement. It then specifies the type of facility (L - Land Disposal; I - Incinerator; B - BIF; S - Storage; T - Treatment)
IC in Place	Indicates that the facility has Institutional Controls in place. ('Y' indicates that the facility is in this universe).
EI Indicator (HE / GW)	Indicates that the facility has controls in place for Environmental Indicators. HE - Human Exposures ('+' indicates the exposure exists and is under control; '-' indicates the exposure exists and is not under control; 'N' indicates the exposure does not exist) GW - Groundwater Release ('+' indicates the exposure exists and is under control; '-' indicates the exposure exists and is not under control; 'N' indicates the exposure does not exist)
Short-Term Gen	Indicates that the facility is a short term or one time event generator and not generating from ongoing processes.
Transfer Facility	Indicates that the facility transfers hazardous waste.
Offsite Receiver	Indicates that the facility, whether public or private, currently accepts hazardous waste from another site (site identified by a different EPA ID).
HSM	Indicates that the facility manages hazardous secondary material(s) (e.g. spent material, by-product or sludge) that when discarded, would be identified as hazardous waste.
Subpart K	Indicates that the facility has opted into the subpart K laboratory rule. It then specifies the type of facility (C - College or University; H - Teaching Hospital; N - Non-profit Research Institute; W - withdrawal from the rule)
Full Enforcement	Indicates that the facility is a Treatment, Storage or Disposal facility which is part of the Full Enforcement universe. It then specifies the type of facility (L - Land Disposal; I - Incinerator; B - BIF; S - Storage; T - Treatment)
CA Workload	Indicates that the facility is part of the Corrective Action Workload universe. ('Y' indicates that the facility is in this universe).
Active State Gen	Indicates that the facility is an Active State Generator. ('Y' indicates that the facility is in this universe).
Converter	Indicates that the facility is a Converter Treatment, Storage or Disposal facility. It then specifies the type of facility (L - Land Disposal; I - Incinerator; B - BIF; S - Storage; T - Treatment)
State TSDF	Indicates that the facility is a State Treatment, Storage or Disposal facility. It then specifies the type of facility (L - Land Disposal; I - Incinerator; B - BIF; S - Storage; T - Treatment)
State Unaddressed SNC	Indicates that the facility is a State Unaddressed Significant Non-Complier. ('Y' indicates that the facility is in this universe).
State Addressed SNC	Indicates that the facility is a State Addressed Significant Non-Complier. ('Y' indicates that the facility is in this universe).
State SNC w/ Compl. Sched	Indicates that the facility is a State Significant Non-Complier with a Compliance Schedule. ('Y' indicates that the facility is in this universe).
EPA Unaddressed SNC	Indicates that the facility is an EPA Unaddressed Significant Non-Complier. ('Y' indicates that the facility is in this universe).
EPA Addressed SNC	Indicates that the facility is an EPA Addressed Significant Non-Complier. ('Y' indicates that the facility is in this universe).
EPA SNC w/ Compl. Sched	Indicates that the facility is a EPA Significant Non-Complier with a Compliance Schedule. ('Y' indicates that the facility is in this universe).

* Note: Penalty amount may not reflect all violations cited.

FOIA Report of Non-Sensitive Compliance Monitoring and Enforcement Data

Report run on: May 26, 2017 - 12:17 PM

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Description of codes used on the report:

ACCESSIBILITY - indicates the reason why the handler is not accessible for normal RCRA tracking and processing (previously called Bankrupt Indicator):	
Code	Description
B	indicates that the handler has filed for bankruptcy and bankruptcy litigation is in process.
C	indicates that all RCRA responsibilities for permitting/closure, corrective action, and compliance monitoring and enforcement at the facility have been formally transferred to the CERCLA program or state equivalent.
F	indicates that all responsible parties (owners/operators) for the handler have fled the country or are otherwise not available for prosecution.
L	indicates that the handler's case is tied up in litigation to the extent that further progress in achieving RCRA compliance through normal enforcement is not possible.

NON-NOTIFIER - indicates that the handler has been identified through a source other than Notification and is suspected of conducting RCRA-regulated activities without proper authority:	
Code	Description
E	indicates that the handler was initially a non-notifier, subsequently determined to be exempt from requirements to notify.
O	indicates that the handler is a former non-notifier.
X	indicates that the handler is a non-notifier.

Violation Type	Description
262.A	GENERATORS - GENERAL

Evaluation Type	Type Description
CEI	COMPLIANCE EVALUATION INSPECTION ON-SITE

Enforcement Type	Enforcement Description
120	WRITTEN INFORMAL

* Note: Penalty amount may not reflect all violations cited.